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June 5, 2015

VIA ECF

The Honorable Ronnie Abrams
United States District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: In re Actos Direct Purchaser Antitrust Litigation, No. 15-cv-3278

Dear Judge Abrams:

We write on behalf of the Direct Purchaser Class Plaintiffs in the above-referenced matter to clarify the letter recently sent by defense counsel (ECF # 15), and propose a simple and efficient resolution.

We have been trying for weeks to engage defendants in discussions to efficiently and expeditiously move this case forward. See E-mail chain attached hereto as *Exhibit A*. After receiving an email from Mr. Singla last night, we arranged a call this afternoon. During that brief call, we identified some of the differences in the two complaints, noting that the direct purchasers had the right to present their case to the court. Almost immediately after that call, defendants' letter was filed.¹

Defendants' contend that the direct purchaser class plaintiffs' consolidated complaint ("DPP complaint") is "identical in all material respects" to the end-payor complaint. If that is so, there seems a simple solution.

As the defendants do not see anything "new" or "different" in the DPP complaint, they are presumably prepared to rest on their currently-pending motions to dismiss. The direct purchaser plaintiffs can, on or before June 30, 2015, submit oppositions to those motions (not to exceed 30 pages in length), addressing the arguments raised therein in the context of the DPP complaint. Following the submission of these papers, we ask for 30 minutes of oral argument to address the direct purchaser motions, on a date convenient to the Court.

¹ Defendants make no mention of this afternoon's call, or the outreach made by direct purchaser class counsel reflected in *Exhibit A*.

The Honorable Ronnie Abrams
June 5, 2015
Page 2

In this way, the decision by the Court concerning the sufficiency of all plaintiffs' allegations can be made at the same time, and with the benefit of all parties' views.

We thank the Court for its time and consideration. We are available at any time if the Court wishes to discuss this matter more fully.

Sincerely,

HAGENS BERMAN SOBOL SHAPIRO LLP

A handwritten signature in purple ink, appearing to read "G. Arnold", is written over a horizontal line.

Greg Arnold
Of-Counsel

cc: Defense counsel